

FEDERAL COMMUNICATIONS COMMISSION
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November 18, 2009

Dan J. Alpert, Esq.
2120 North 21st Road, Suite 400
Arlington, Virginia 22201

Re: Georgia-Carolina Radiocasting Company, LLC
WRGC (AM), Sylva, North Carolina
Facility Identification Number: 73286
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 12, 2009, on behalf of Georgia-Carolina Radiocasting Company, LLC ("GCR"). GCR requests extension of the special temporary authority ("STA") granted on December 23, 2008, to operate Station WRGC pursuant to Section 73.1615.¹

In support of the request, GCR states that it holds Construction Permit BMJP-20051031AFM, which authorizes a change in frequency from 680 kHz to 540 kHz (See Note 1, below.) In support of the request, GCR states that the original STA was not implemented, but that it requests renewal of the STA.

We note that the previous STA expired on June 23, 2009. Our review indicates that the circumstances presented warrant grant of STA in order to provide for service to the public, and that the requested STA facilities are the same as were previously authorized. However, in light of the lapse of time between the expiration of the prior STA and the filing of the instant request, it will be considered as a request for a new STA; the authority granted will not cover the period between the expiration of the prior STA and the filing of the instant request.

Accordingly, the request for STA IS HEREBY GRANTED. Station WRGC may operate on 540 kHz, pursuant to Section 73.1615 and the terms and conditions of Construction Permit BMJP-20051031AFM. In particular, the following modes of operation are authorized:

¹ WRGC is licensed for operation on 680 kHz with 1 kilowatt daytime and .25 kilowatt nighttime, employing a directional antenna during nighttime hours only (DA-N-U). Construction Permit BMJP-20051031AFM authorizes a change in frequency to 540 kHz, relocation of the daytime and nighttime transmitters to new, separate sites, an increase in daytime power to 5 kW, a decrease in nighttime power to 0.21 kW and changes to the nighttime directional pattern.

- 1) During daytime hours, with a nondirectional antenna and reduced power not to exceed 1.25 kilowatt, for nondirectional proof of performance measurements and as necessary to facilitate the construction work. Operating power must be reduced to 1 kilowatt or less during any significant period of time when proof of performance measurements are not being taken.
- 2) During daytime hours, with the substantially adjusted nighttime directional pattern and power authorized by the permit, for final adjustment and proof of performance measurements.
- 3) During nighttime hours, with a nondirectional antenna and reduced power not to exceed 0.053 kilowatt (53 watts), only as necessary to facilitate the construction work.
- 4) During nighttime hours, with the substantially adjusted nighttime directional antenna pattern and power authorized by the permit.

It will be necessary to further reduce power or cease operation if complaints of interference are received. Upon commencement of operation on 540 kHz, operation must cease on the currently licensed frequency of 680 kHz, and shall not recommence. GCR must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. The authority granted herein does not cover the period between June 23, 2009, and November 12, 2009, and is without prejudice as to whatever action the Commission may take with respect to operation of Station WRGC during the foregoing period.

This authority expires on **May 18, 2010**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;

- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Georgia-Carolina Radiocasting Company, LLC